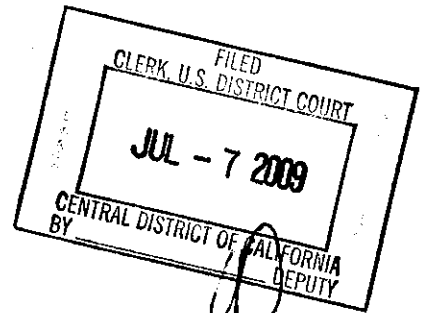


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Trustees of the Southern California
IBEW-NECA Pension Plan, et al.



**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

TRUSTEES OF THE SOUTHERN
CALIFORNIA IBEW-NECA
PENSION PLAN, et al.,

Plaintiffs,

vs.

MBA ASSOCIATES, INC., a
California corporation, dba CAYSON
INDUSTRIAL ELECTRIC

Defendant.

CASE NO.: CV 06-4517 PA (SSX) (JWJX)

ASSIGNED TO THE HONORABLE
~~JEFFREY W. JOHNSON~~ SUZANNE H. SEGAL
MAGISTRATE JUDGE

PROTECTIVE ORDER

On May 27, 2009, Plaintiffs Trustees of the Southern California IBEW-NECA Pension Plan, et al ("Plaintiffs"), served on S. J. Amoroso Construction Co, Inc. ("Amoroso") a subpoena for production and inspection of documents ("Subpoena"). A copy of the Subpoena is attached hereto as Exhibit "1" and is incorporated by reference herein.

Documents responsive to the Subpoena contain information Amoroso contends is privileged, sensitive and confidential in nature. Plaintiffs require this information in order to execute on the judgment rendered in favor of Plaintiffs and against Defendant MBA Associates, Inc., in the instant matter.

1 IT IS HEREBY ORDERED, pursuant to the "Stipulation for Protective Order"
2 entered into by and among the Plaintiffs and Amoroso, and good cause appearing
3 therefore:

4 1. Amoroso shall make available for inspection and copying on July 1,
5 2009, at 10:00 a.m., at Plaintiffs' counsel's office, the full and complete settlement
6 agreement and/or release between S.J. Amoroso Construction Co., Inc., a California
7 corporation, and MBA Associates, Inc., a purported California corporation, doing
8 business as Cayson Industrial Electric, and/or all other parties and/or entities, related
9 to the action filed in the Superior Court of California for the Court of San Mateo, case
10 number CIV 460110, in full satisfaction of the Subpoena. Production of the document
11 described herein shall not waive or otherwise affect the privileged and confidential
12 nature of the document, which privilege shall be retained pursuant to this Protective
13 Order. Documents subject to work product protections and/or the attorney/client
14 privilege are not required to be produced, whether or not under the Protective Order.

15 2. Plaintiffs shall not furnish, show, disclose or otherwise disseminate the
16 document identified in Paragraph 1, above, to any person except to: (a) the Plaintiffs,
17 their agents and employees; and (b) counsel for the Plaintiffs and office personnel
18 assisting counsel in the execution of the judgment. Plaintiffs shall require any
19 person(s) identified in subparagraphs (a) through (b) to be bound to this order.

20 3. The document identified in Paragraph 1 may only be used for the purpose
21 of executing on the judgment entered in favor of Plaintiffs Trustees of the Southern
22 California IBEW-NECA Pension Plan, et al, and against defendant MBA Associates,
23 Inc., in the instant matter. The document identified in Paragraph 1 may not be used
24 for any other purpose by anyone, including those persons identified in Paragraph 2
25 herein.

26 4. The document identified in Paragraph 1 and produced pursuant to the
27 Subpoena, shall be maintained in the possession and control of the Plaintiffs and
28

1 Plaintiffs' counsel in such a manner that the information is not accessible to
2 individuals not bound by this order.

3 5. In the event that the document identified in Paragraph 1 is used in any
4 court proceeding in this action, it shall not lose its confidentiality through such use,
5 and Plaintiffs shall take all reasonable steps to maintain its confidentiality.

6 6. This Protective Order shall be without prejudice to the right of the
7 Plaintiffs (i) to bring before the Court at any time the question of whether the
8 document identified in Paragraph 1 is confidential or whether its use should be
9 restricted, or (ii) to present a motion to the Court under FRCP 26(c) for a separate
10 protective order as to any particular information pertaining to the document identified
11 in Paragraph 1, including restrictions differing from those specified herein. This
12 Protective Order shall not be deemed to prejudice Plaintiffs in any future application
13 for modification of this Protective Order.

14 7. Unless the Court orders otherwise, Plaintiffs may only file records
15 containing the document identified in Paragraph 1 with the Court after obtaining an
16 order to seal pursuant to Local Rules 79-5.1 – 79-5.4.

17 8. In the event that Plaintiffs are ordered by a court or any state, federal or
18 governmental unit to produce the document identified in Paragraph 1, they shall
19 provide reasonable notice to Amoroso, through its counsel, of that court order or
20 command, so as to allow Amoroso to file an appropriate opposition to such order or
21 command. *for good cause shown* (SAs)

22
23 DATED: 7/2/09

S. H. Segal
UNITED STATES MAGISTRATE JUDGE

EXHIBIT 1

DAO88 (Rev. 1/07) Subpoena in a Civil Case

Issued by the
UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

Trustees of the Southern California
 IBEW-NECA Pension Plan, et al.,

v.

MBA ASSOCIATES, INC., a California
 corporation, dba CAYSON INDUSTRIAL
 ELECTRIC,

SUBPOENA IN A CIVIL CASE

Case Number:¹ CV 06 4517 PA (JWx)

To: SJ Amoroso Construction Company.
 390 Bridge Parkway
 Redwood Shores, CA 94065

YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

- ☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
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- ☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):
 See attachment hereto.

PLACE Laquer, Urban, Clifford and Hodge LLP 225 South Lake Avenue, Suite 200 Pasadena, California 91101	DATE AND TIME June 26, 2009 10:00 a.m.
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- ☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
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Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)  Counsel for Plaintiffs	DATE May 22, 2009
--	----------------------

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER
 Denise B. Carter, Esq.
 Laquer, Urban, Clifford & Hodge, LLP
 225 South Lake Avenue, Suite 200, Pasadena, California 91101 (626) 449-1882
(See Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e), on next page)

¹ If action is pending in district other than district of issuance, state district under case number.

EXHIBIT "A" TO SUBPOENA

1. The full and complete settlement agreement and/or release between Amoroso Construction Co., Inc., a California corporation, and MBA Associates, Inc., a purported California corporation, doing business as Cayson Industrial Electric, and/or all other parties and/or entities, related to the action filed in the Superior Court of California for the Count of San Mateo, case number CIV 460110

Plaintiffs recognize that the party responding to the subpoena may contend that the document sought is confidential. However, Plaintiffs are willing to enter into a stipulated protective order wherein they will agree to keep it confidential to the extent possible, except as needed in aid of execution of the judgment rendered in the within action. See, FRCP 69(a).